

**Before the Federal Communications Commission
Washington, D.C. 20554**

October 14, 2015

In the Matter of

Schools and Libraries Universal Service
Support Mechanism

Request for Review of a Decision of the
Universal Service Administration by

Somerset Academy Silver Palms

CC Docket No. 02-6

Request for Review

Appellant Name: Somerset Academy Silver Palms

Billed Entity Number: 16045732

For 471: 851135

Funding Request Numbers: 2324444

Service Providers:

FPL FiberNet, LLC – SPIN 143033075

Submitted by:

Eileen Beyra

Academica

6340 Sunset Drive

Miami, FL 33143

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Introduction:

This is an appeal of USAC's denial concerning application 851135. USAC denied the appeal because (1) "...you signed a contract with the selected service provider, FPL FiberNet LLC SPIN 143033705, prior to the expiration of the 28-day posting period..."

Argument:

1 – We contend this is an M&C error on the part of the signer.

2 – On February 5, 2012, Somerset Academy Silver Palms posted their 470 application. The schools allowable contract date was 3/4/12. After waiting the mandatory 28 days, the school weighed all bids against their vendor selection criteria and selected the most cost effect vendor, FPL FiberNet LLC

3 – On 3/18/12 the school filed their 471 application. The school filed that application with a vendor signed contract date as of 3/14/12 (because this should have been the date the contract was signed). However, the date on the contract submitted to USAC was 3/14/11, exactly one year prior to the actual signature date. This was a clerical error. The signor simply put the wrong year. As you can see from the actual contract, the date the contract was sent to the school was 3/13/12. There is no possible way that the signature could have been from before that day. The school never had the contract. This illustrates the fact that this was a clerical error.

4 - This issue could not be more obvious; the signor simply used the wrong date in their signature. Howe many times have we all done this. There is no waste fraud or abuse.

Summary

Somerset Academy Silver Palms made a clerical error when having their contract signed. They therefore filed with an incorrect date. However, they followed all e-rate rules leading up to this and did in fact select the most cost effective vendor.

There is no waste fraud or abuse, just a simple mistake which there is a clear remedy.

We respectfully request this application be approved and the school be allowed to recoup the funding to which they are entitled.

Thank You

Eileen Beyra



FPL FIBERNET DIA PREMIUM SERVICE ORDER

Service Order Fax Number: (888) 835 - 9170

FiberNet_Fax_Server@FPL.com

Customer Information			
Customer PON#:		FPL FN Service CV#:	
CKR Code:		BANK:	
Customer Name:	Somerset Academy Silver Palms	SR#:	01P-5250
Customer Initiator Name:	Antonio Fernandez	SA Execution Date:	
Address:	6430 Sunset Dr.	IP/FiberNet Addendum Date:	
City, State, Zip Code:	Miami FL 33143	Billing Contact:	Accounts Payable
Customer Initiator Phone:		Billing Address:	6430 Sunset Dr.
Customer Initiator eMail:	nicar@charter-schools.com	City, State & Zip:	Miami FL 33143
Implementator if other than Initiator:	n/a	Billing Phone:	305 606 2906
Implementator phone:	n/a	Billing Fax:	
Implementator eMail:	n/a	Billing eMail:	
Customer Technical Contact:	Mario Eira	Customer Technical Phone:	305 742 6524
Customer Technical Cell:	305 742 6524	Customer Technical eMail:	nicar@charter-schools.com

Order Details			
Order Type:	New	Date Sent:	March 13, 2012
Expedite Requested?		Desired Delivery Date:	Provider issued EOC
Term/VTA:	60 Months	Supplement:	Version:

Service Details			
Product Type:	Dedicated Internet Access - Premium	Routing Type (Protocol):	Static
DIA Interconnection Type:	Standard Customer Router	BGP Routes:	
Reverse DNS:	<input type="checkbox"/> Yes	IP Space Requested:	Using a pool of private IP addresses
Forward DNS:	<input type="checkbox"/> Yes	AS# (s):	
FPL FiberNet Allocated IP Address Space (Form Required):	<input checked="" type="checkbox"/> Yes	Customer IP Address Space Advertising (/24 or greater):	<input type="checkbox"/> Yes

Managed Services Details		(Only fill out this section when Managed Router is chosen in the Service Details above)
NAT		If Static NAT is required please list private IP Addresses in comments section of this service order
DHCP (Private IPs Only)		If Customer defined DHCP is required please list private IP Address Pool in comments section of this service order

Location Information				
	Hub/Active/Remote 1	Zone/Remote 2	Remote 3	Remote 4
Node Activity:	New			
CLL1 Code:				
Physical Address:	23255 SW 115th Ave.			
City, State, ZIP:	Miami, FL 33042			
Demarc/Rm/Fir:				
Building Name:	Somerset Silver Palms			
Site Contact:	Mario Eira			
Site Phone No.:	305 742 6524			
Customer's Circuit ID:				
Location's CV#:				
CIR:	100Mbps			
Aggregate CIR:				
TYPE II	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
CE Port Type:	100Mbps			
CE Port Media:	1000Base-TX (100m CAT 5e)			
Ethernet Duplex Mode:	Auto (Negotiate on FDX)			
LOA Responsibility:	Customer			
Demarc Device Power:	120V AC			
Demarc Mounting:	10" Rack Mount			
Monthly Recurring Charge:	\$2,650.00			
Non Recurring Charge:				

Value Added Services (Per Site)				
	Hub/A Loc/Remote 1	Z Loc/Remote 2	Remote 3	Remote 4
Bursting:	200Mbps			
LAg Control Protocol:				
Protection (OSP fiber/route):	Yes	Yes	Yes	Yes
Additional Port (LAg) - ICR:	Yes	Yes	Yes	Yes
VLAN Service (802.1q):	Yes	Yes	Yes	Yes
Customer VLAN Number:				
Monthly Recurring Charge:	\$200.00			
Non Recurring Charge:				

Critical Ordering Instructions / Comments
Please identify below any special offices and facilities, and all special conditions as defined under 4.5 or 4.7 FPL FN Part 4.
Provider shall deliver 100MB of Premium Dedicated Internet Access (DIA), burstable to 200MB, to Customer within Remote 1. Customer will provide rack space, and power free of charge, along with clear conduit access from the property line of Remote 1 to Customer's demarc within the buildings. All power provided by Customer must be backed by ATP.
Provider requires that Customer provides an LOA (Letter of Authorization) from Remote 1 Building Management and/or owners granting Provider permission to deliver services to Customer within Remote 1.

Commercial Terms & Auth. Signature Customer/FPL FN			
Confidential and Proprietary			
If the Customer does not have an SA with FPL FiberNet at the time of order, FPL FiberNet's standard SA will govern Services until an SA is executed. Pricing and payment terms are subject to Customer credit rating. Fees incurred by FPL FiberNet at the request of Customer (including but not limited to cross connect and mapping fees) will be passed onto the Customer with a 10% administration fee.			
Agent:	<input type="checkbox"/> Wholesale <input checked="" type="checkbox"/> Retail		
Monthly Recurring Charge:	\$2,650.00	Non Recurring Charge:	\$0.00
Other Monthly Recurring Charges:	\$200.00	Other Non Recurring Charges:	\$0.00
FPL FN Agent:		Opportunity Number:	
FPL FN Account Executive:	Randy Reynolds	FPL FN Sales Engineer:	Michael Browne
FPL FN Acceptance:		FPL FN Acceptance Date:	
Customer Name Signatory:		Customer Title:	
Customer Signature:		Customer Signed Date:	
<small>All MRC and NRC prices are quoted in US Dollars and do not include standard taxes such as but not limited to JBT and/or CTS. Other taxes and fees can add between 20% and 35% to the final billed amounts.</small>			
<small>Customer may issue one revision to the Service Order (a Change Order) without charge. Any additional Change Orders may be subject to an administration fee of \$250 per Change Order.</small>			

Rev. 11/16/17



Universal Service Administrative Company

Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2012-2013

August 17, 2015

Eileen Beyra
Academica Corp.
6340 Sunset Drive
Miami, FL 33143

Re: Applicant Name: SOMERSET ACADEMY SILVER PALMS
Billed Entity Number: 16045732
Form 471 Application Number: 851135
Funding Request Number(s): 2324444
Your Correspondence Dated: July 02, 2015

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2012 Notification of Commitment Adjustment Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision. If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 2324444
Decision on Appeal: **Denied**
Explanation:

- During our review, the information supplied demonstrates that you signed a contract with the selected service provider, FPL FiberNet LLC SPIN 143033075, prior to the expiration of 28-day posting period. FCC rules require that, except under limited circumstances, all FCC Forms 470 received be posted on the USAC web site for 28 days, and that applicants carefully consider all bids received before selecting a service provider, entering into an agreement or signing a contract, and signing and submitting a FCC Form 471. In the FCC Form 470 Receipt Notification Letter, USAC notified the applicant that the earliest date upon which they could sign a contract or enter into an agreement (Allowable Contract Date) was March 4, 2012. Based on the documentation provided, the contract with the service provider was signed on 3/10/2011, which is prior to the required 28-day posting period. Therefore, the appeal has been denied.

- You signed and/or submitted your FCC Form 471 prior to the expiration of the 28 day posting period. FCC rules require that except under limited circumstances, all FCC Forms 470 received be posted on the USAC website for 28 days, and that applicants carefully consider all bids received before selecting a vendor, entering into an agreement or signing a contract, and signing and submitting an FCC Form 471. *See* 47 C.F.R. secs. 54.503 (b)-(c), 54.511(a) and (c). FCC rules further require that the Administrator send the applicant a confirmation when the FCC Form 470 has been posted, and inform the applicant of the earliest date upon which they may sign a contract with the vendor it selects. *See* 47 C.F.R. sec. 54.503(c)(4). These competitive bidding requirements help to ensure that applicants receive the lowest pre-discount price from vendors. *See* Federal-State Joint Board on Universal Service, CC Docket No. 96-45, Order on Reconsideration, 12 FCC Rcd 10095, 10098, FCC 97-246 para. 9 (rel. Jul. 10, 1997).

Since your appeal was denied in full, dismissed or cancelled, you may file an appeal with the FCC. Your appeal must be postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found under the Reference Area/"Appeals" of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company